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| EXAMINER KELLEY, STEVEN SHAUN | | | | |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/574,174

Applicant(s)

FALK, RAINER

Examiner

STEVEN KELLEY

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 8-22-08.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 14-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 14-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SF/ICE)
Paper No(s)/Mail Date 3-30-06 and 7-10-06
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 14 and 26 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 14 recites "a security configuration...base on", which should be corrected to "based on". Claim 26 recites "determining an application environment in based on...", which is unclear.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 14-20 and 25-26 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent 7,353,533 to Wright (hereinafter "Wright").

Regarding claim 14, Wright teaches a communication device, comprising: a memory that stores a current application environment of the communication device which has been determined based on a location of the communication device (location

detection module 208 and memory location(s) 216 in Fig. 2B, see column 10, lines 21-29, which teaches that the “location detection module 208 stores network parameters” and “determines the location associated with the current network environment”, where current location indicators are stored in memory location(s) 216, see column 10, lines 58-61), where the recited “current application environments” are locations such as, “work”, “home”, “mobile”, and “alternate”); a communication interface that allows a communication with a further communication device (layer manager 206 in Fig. 2B, see column 10, lines 4-43, which teach that “layer manager 206 has a communication interface...which may process network traffic” communicated from the recited “further communication devices”, such as the device shown in Fig. 2A); and a security configuration memory in which a plurality of different security configurations with regard to the operation of the communication device are stored (resident memory 220 in Fig. 2B, see column 21, lines 29-31, which teach that “security policies may be stored as data objects in resident memory 220 in Fig. 2B”), wherein a security configuration is determined from the plurality of security configurations based on the current application environment, and wherein the device is setup to use the determined security configuration (see for example steps 362-366 in Fig. 3D, which teach policy setting module 212 and policy enforcement module 214 (as shown in Fig. 2b) “setting a security configuration” and “setting up the device”, as recited.)

Regarding claim 15, which recites “wherein the communication device is a mobile communication device”, client device 201 (as shown in Fig. 2B) may be any one of

mobile devices shown in Fig. 1, such as a PDA, a notebook computer, which is a "mobile device", as recited.

Regarding claim 16, which recites "wherein the mobile communication device is embodied as a mobile radiotelephone, a cordless telephone, a personal digital assistant, a pager, a portable computer or combinations thereof", see Fig. 1 and column 5, which shows the mobile communication device as PDAs, as recited.

Regarding claim 17, which recites "wherein the communication interface includes at least one of the interfaces selected from the group consisting of communication interface for the communication with a personal computer, modem communication interface, ISDN adapter communication interface, and LAN adapter communication interface", see column 10, lines 4-44, which teach that layer manager (recited "communication interface") may transmit data "between computers in a network", such as the recited personal computer.

Regarding claim 18, which recites "wherein the communication interface is a radio communication interface", see column 11, line 38, to column 12, line 5, which teaches that the security feature module 210 in client device 201 may communicate using GPRS, GSM and 3G types of connections and see also step 906 in Fig. 9A which teaches determining the type of radio communication interface connection and step 910 which teaches "determining the hardware brand of network adapters on the mobile device", which inherently requires that layer manager 206 includes a "radio communication interface", as recited.

Regarding claim 19, which recites “wherein the radio communication interface includes an interface selected from the group consisting of wireless LAN communication interface, cordless communication interface, and mobile radio communication interface”, GPRS, GSM and 3G types of connections, are “mobile radio communication interfaces”, as recited.

Regarding claim 20, which recites “further comprises an allocation table memory that stores an allocation table, in which a security configuration allocated to an application environment is stored in the allocation table”, see resident memory 220 in Fig. 2B, which shows security policies stored as data objects in an allocation table, as recited.

Regarding claim 25, which recites “wherein the security configuration information includes at least one part of the aspects selected from the group consisting of: information about one communication protocol or a plurality of communication protocols, which can be used by the communication device, information about one target communication device or a plurality of the target communication devices, which can be reached by the communication device, information about computer programs or computer program functions, which can be run or called up from the communication device, information about security methods to be used by the communication device within the framework of the communication, information about data, which can be accessed by the communication device; information about the communication methods, which can be used at the same time by the communication device, and information about the security methods permitted, prohibited and/or required for the communication

device", see for example, columns 12 and 14-15, which teach using and storing cryptography information (recited "information about security methods") which is stored within security policy documents, in resident memory 220, as recited.

Regarding claim 26, Wright teaches a method (see flowchart in Fig. 3D as described in column 20, and Fig. 2B for structures included in the client mobile device) for setting a security configuration of a communication device, comprising: determining an application environment in based on a current location of the communication device (see step 362 in Fig. 3D which teaches "Detecting a location associated with a network environment in which a mobile device is operating", where a network environment is the recited "application environment"); determining a security configuration associated with the determined application environment from a plurality of different security configurations stored in a security configuration memory of the communication device, (see step 364 in Fig. 3D which teaches "Determining a current security policy in accordance with the detected location of the mobile device") each security configuration related to an operation of the communication device; and setting the communication device in accordance with the determined security configuration (see step 366 in Fig. 3D which teaches "Enforcing the security policy set").

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 21-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wright in view of U.S. Patent Pub. 2004/0203764 to Hrastar et al. (hereinafter "Hrastar").

Regarding claim 21, which recites "further comprises a memory for recording an application environment, which has been set up for the automatic recording and determining of the application environment of the communication device", Wright teaches in column 13, lines 51-61, that "any one of modules (e.g., 206, 208, 210, 212, 214, 218, 245) may have an event logging module...which may record events pertinent to its respective module (e.g., location detection module 208)". Wright also teaches (see Figs. 3A and 4A-4B) of "recording" the application environments of the client device 201. However, Wright does not explicitly teach "a memory for recording an application environment, which has been set up for the automatic recording and determining of the application environment of the communication device", as recited.

In an analogous art, Hrastar teaches a node identification and location system in a LAN wireless network (see Abstract). Section [0071] of Hrastar teaches that in one

preferred embodiment, a wireless device "automatically attempts to detect and record all the configured properties for all access points it observes...where the settings constitute access point "policies"...". Therefore, as Wright teaches storing "application environments" and also teaches logging modules which "record" data within the modules located within the client device 201, it would have been obvious in view of the teachings of Hrstar, to modify Wright to include a memory to "automatically record and determine an application environment", in order to automatically store necessary data associated with each location point, in order to enhance wireless connection abilities.

Regarding claim 22, which recites "wherein the memory for recording an application environment has been set up for recording one communication method or a plurality of communication methods used by the communication device and/or for recording one security mechanism or a plurality of security measures used by the communication device within the framework of a communication", see security feature module 210 described in column 11, line 38, to column 12, line 5, which teaches that the security feature module 210 in client device 201 may communicate using GPRS, GSM and 3G types of connections and security features associated with different types of communications. Therefore, as security feature module 210 stores "communication methods and security features associated with these methods", it would have been obvious to store these in the "automatic memory" as described above in the rejection of claim 21.

Regarding claim 23, which recites "wherein the memory for recording an application environment has been set up for recording one security mechanism or a

plurality of security mechanisms used by the communication device within the framework of a communication taking into account at least one security mechanism selected from the group consisting of authentication method, identification information for identifying a communication device or a subscriber, code exchange method for exchanging cryptographic codes, cryptographic code used within the framework of communication; and information elements used within the framework of the communication", as security feature module 210 described in column 11, line 38, to column 12, line 5, teaches using cryptography, and column 21, lines 40-60 teach storing file encryption parameters within security policies, it would have been obvious to store these in the "automatic memory" as described above.

Regarding claim 24, which recites "wherein the memory for recording an application environment is set up to take into account at least one application environment selected from the group consisting of company's own communication network, foreign communication network, home communication network of a user, home communication network of a third party, public communication network; and ad-hoc communication network", see columns 5-6 of Wright, which teach storing these types of application environments ("work", "home", etc.), as recited.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven Kelley whose telephone number is (571) 272-5652. The examiner can normally be reached on Monday-Friday, 9AM to 5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lester Kincaid can be reached on (571) 272-7922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/SSK/

/Lester Kincaid/

Supervisory Patent Examiner, Art Unit 2617